

HOUSE BILL No. 1312

DIGEST OF INTRODUCED BILL

Citations Affected: IC 4-20.5-6; IC 5-10; IC 9-13-2-127; IC 10-1.

Synopsis: Capitol police. Eliminates the authority of the department of administration to enforce the statutes and rules concerning the security of state property. Repeals a statute that authorizes the commissioner of the department of administration to issue warrants for the recovery of unlawfully possessed state property. Establishes the security section of the state police department. Transfers all powers, duties, and functions of the department of administration concerning enforcing the statutes and rules concerning the security of state property to the security section of the state police department.

Effective: Upon passage; July 1, 2002.

Saunders, Lawson L, Sturtz, Foley

January 15, 2002, read first time and referred to Committee on Public Policy, Ethics and Veterans Affairs.

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Introduced

Second Regular Session 112th General Assembly (2002)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2001 General Assembly.

HOUSE BILL No. 1312

A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 4-20.5-6-1.7 IS ADDED TO THE INDIANA
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2002]: **Sec. 1.7. "Security section" refers to**
4 **the security section of the state police department established by**
5 **IC 10-1-1.6-7.**

6 SECTION 2. IC 4-20.5-6-2 IS AMENDED TO READ AS
7 FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 2. **(a) This section**
8 **does not apply to enforcement matters that are the responsibility**
9 **of the security section under IC 10-1-1.6.**

10 **(b)** The department shall maintain, equip, and operate the following:

11 (1) The state capitol building.

12 (2) The office buildings and other property owned or leased by the
13 state for the use of an agency.

14 SECTION 3. IC 4-20.5-6-5 IS AMENDED TO READ AS
15 FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 5. ~~(a)~~ **Except for**
16 **enforcement matters that are the responsibility of the security**
17 **section under IC 10-1-1.6, the commissioner is the custodian of state**

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buildings and grounds.

(b) The commissioner may appoint security officers for the purpose of maintaining security and preserving the peace in and about the following:

(1) The state capitol building;

(2) A state office building;

(3) A state parking facility;

(4) A state motor pool garage;

(5) A state warehouse;

(6) The Indiana state library;

(7) The governor's residence;

(8) Any other building or other property used by the state for any of the following purposes:

(A) Housing the personnel or activities of an agency or a branch of state government;

(B) Providing transportation or parking for state employees or persons having business with state government;

(c) The commissioner and the security officers appointed by the commissioner possess all the common law and statutory powers of law enforcement officers, except for the service of civil process:

(d) For purposes of IC 5-2-1, the commissioner and security officers appointed under this chapter are special officers:

(e) All security officers are subject to preemployment investigation by the state police department:

SECTION 4. IC 4-20.5-6-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 7. The department shall adopt rules under IC 4-22-2 to govern the protection and custody of state property, **except for enforcement matters that are the responsibility of the security section under IC 10-1-1.6.**

SECTION 5. IC 4-20.5-6-8, AS AMENDED BY P.L.172-1999, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 8. (a) **This section does not apply to enforcement matters that are the responsibility of the security section under IC 10-1-1.6.**

(b) The commissioner may regulate:

(1) the traffic and parking of motor vehicles, bicycles, or other vehicles; and

(2) the traffic of pedestrians;

on the streets, roads, paths, and grounds of real property controlled by the state through the department of ~~administration~~ in and around the state capitol, office buildings, parking garages, and adjoining state controlled property.

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1 ~~(b)~~ **(c)** Rules adopted under subsection (a) may include the
 2 following:

3 (1) Provisions governing the registration, speed, weight,
 4 operation, parking, times, places, and use of motor vehicles,
 5 bicycles, and other vehicles.

6 (2) Provisions governing the traffic of pedestrians.

7 (3) Provisions prescribing the assessment and collection of civil
 8 penalties for the violation of rules adopted by the commissioner.
 9 Penalties may include the following:

10 (A) The imposition of reasonable charges.

11 (B) The removal and impounding (at the expense of the
 12 violator) of vehicles that are operated or parked in violation of
 13 rules adopted by the commissioner.

14 (C) The denial of permission to operate a vehicle on the
 15 property in and around the state capitol building, office
 16 buildings, parking garages, and adjoining state controlled
 17 property.

18 ~~(c)~~ **(d)** Rules adopted under this section must include provisions for
 19 an administrative appeal when a civil penalty is imposed under the
 20 rules. A person aggrieved by a final disposition of an appeal by the
 21 department may appeal the disposition to a court of jurisdiction. The
 22 attorney general may enforce a civil penalty imposed under this section
 23 by filing an appropriate action in a court of jurisdiction.

24 ~~(d)~~ **(e)** This section does not limit or restrict the powers of any other
 25 governmental authority having jurisdiction over public streets, roads,
 26 alleys, or ways.

27 SECTION 6. IC 5-10-8-6 IS AMENDED TO READ AS FOLLOWS
 28 [EFFECTIVE JULY 1, 2002]: Sec. 6. (a) **Except as provided in**
 29 **subsection (c)**, the state police department, conservation officers of the
 30 department of natural resources, and the state excise police may
 31 establish common and unified plans of self-insurance for their
 32 employees, including retired employees, as separate entities of state
 33 government. These plans may be administered by a private agency,
 34 business firm, limited liability company, or corporation.

35 (b) The state agencies listed in subsection (a) may not pay as the
 36 employer portion of benefits for any employee or retiree an amount
 37 greater than that paid for other state employees for group insurance.

38 **(c) This section does not apply to a pre-2003 officer of the state**
 39 **police department (as defined in IC 10-1-1-2).**

40 SECTION 7. IC 5-10-10-4, AS AMENDED BY P.L.246-2001,
 41 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 42 JULY 1, 2002]: Sec. 4. **(a)** As used in this chapter, "public safety

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officer" means any of the following:

- (1) A state police officer.
- (2) A county sheriff.
- (3) A county police officer.
- (4) A correctional officer.
- (5) An excise police officer.
- (6) A county police reserve officer.
- (7) A city police reserve officer.
- (8) A conservation enforcement officer.
- (9) A town marshal.
- (10) A deputy town marshal.
- (11) A probation officer.
- (12) A state university police officer appointed under IC 20-12-3.5.
- (13) An emergency medical services provider (as defined in IC 16-41-10-1) who is:
 - (A) employed by a political subdivision (as defined in IC 36-1-2-13); and
 - (B) not eligible for a special death benefit under IC 36-8-6-20, IC 36-8-7-26, IC 36-8-7.5-22, or IC 36-8-8-20.

(b) The term does not include a pre-2003 officer of the security section of the state police department (as defined in IC 10-1-1-2).

SECTION 8. IC 9-13-2-127 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 127. (a) "Police officer" means, except as provided in subsection (b), the following:

- (1) A regular member of the state police department **who is not a pre-2003 officer (as defined in IC 10-1-1-2).**
- (2) A regular member of a city or town police department.
- (3) A town marshal or town marshal deputy.
- (4) A regular member of a county sheriff's department.
- (5) A conservation officer of the department of natural resources.

(b) "Police officer", for purposes of IC 9-21, means an officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations.

SECTION 9. IC 10-1-1-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 2. As used in this chapter:

- (1) The term "department" means the state police department created by this chapter.
- (2) The term "employee" means any employee of the department, including police employees.
- (3) The term "police employee" means any employee who is assigned police work as a peace officer, pursuant to the provisions

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of section 10 of this chapter. **The term does not include a pre-2003 officer.**

(4) The term "civilian employee" means any employee assigned to a position other than one having police rank as a peace officer.

(5) The term "board" means the state police board.

(6) The term "pre-2003 officer" means an individual who:

(A) is an officer of the security section under IC 10-1-1.6;

(B) was an officer with the Indiana department of administration on June 30, 2002; and

(C) has not fulfilled the requirements of the department that must be fulfilled for the individual to exercise the enforcement powers under section 10 of this chapter.

SECTION 10. IC 10-1-1-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 10. **(a) This section does not apply to a pre-2003 officer.**

(b) The officers and police employees of the department have all necessary police powers to enforce the laws of Indiana for the regulation and use of vehicles, and for the protection of the surface or other physical portion of the highways of Indiana, and without writ or warrant to arrest for violation thereof when committed in their presence. The police employees of the department shall prevent and detect offenses, apprehend offenders, enforce the laws, and perform other duties imposed upon them by law, and to this end, police employees of the department have in any part of the state the same powers with respect to criminal matters and the enforcement of the laws relating thereto as sheriffs, constables, and police officers have in their respective jurisdictions, and have power to act as agents for the state on return of parolees, fugitives from justice, and persons extradited to Indiana for offenses. Any warrant of arrest or search warrant may be executed by any police employee of the department in any part of the state, according to the tenor thereof, without endorsement. They are subject to the call of the governor, and the governor may assign to the department other police duties as the executive department may deem advisable, including the duties now performed by deputy fire marshals. They have power to arrest, without warrant, any person committing or attempting to commit in their presence or view a violation of any of the laws of Indiana. And, under order of the superintendent, they may cooperate with any other department of the state or with local authorities. They may not exercise their powers within the limits of any city in labor disputes, nor may they suppress rioting and disorder except by direction of the governor or upon the request of the mayor of any such city with the approval of

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the governor, or if the governor is not available, with the approval of the lieutenant-governor. And without the limits of any city they may not exercise their power in labor disputes except by direction of the governor, or the request of the judge of the circuit court of the county with the approval of the governor, or if the governor is not available, with the approval of the lieutenant-governor. The control or direction of the officers or members of the department may not be transferred or delegated to any other agency or officer of the state or any subdivision thereof.

SECTION 11. IC 10-1-1.6 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]:

Chapter 1.6. Security of State Property

Sec. 1. As used in this chapter, "board" means the state police board established by IC 10-1-1-1.

Sec. 2. As used in this chapter, "police employee" has the meaning set forth in IC 10-1-1-2.

Sec. 3. As used in this chapter, "pre-2003 officer" has the meaning set forth in IC 10-1-1-2.

Sec. 4. As used in this chapter, "security section" refers to the security section of the state police department established by section 7 of this chapter.

Sec. 5. As used in this chapter, "security section officer" refers to an officer of the security section of the state police department who is:

- (1) a police employee; or
- (2) a pre-2003 officer.

Sec. 6. As used in this chapter, "superintendent" refers to the superintendent of the state police department appointed under IC 10-1-1-1.

Sec. 7. The security section of the state police department is established.

Sec. 8. The security section shall maintain security and preserve the peace in and about the following:

- (1) The state capitol building.
- (2) A state office building.
- (3) A state parking facility.
- (4) A state motor pool garage.
- (5) A state warehouse.
- (6) The Indiana state library.
- (7) The governor's residence.
- (8) Any other building or property used by the state for any



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of the following purposes:

(A) Housing the personnel or activities of an agency or a branch of state government.

(B) Providing transportation or parking for state employees or persons having business with state government.

Sec. 9. A pre-2003 officer possesses all of the common law and statutory powers of law enforcement officers, except for the service of civil process.

Sec. 10. For purposes of IC 5-2-1, a pre-2003 officer is a special officer.

Sec. 11. The security section shall enforce IC 4-20.5 and perform duties assigned to the security section by any of the following:

(1) The superintendent.

(2) The governor.

Sec. 12. (a) The security section may adopt rules under IC 4-22-2 to do the following:

(1) Enforce IC 4-20.5 and rules of the Indiana department of administration concerning the security of state property.

(2) Carry out the responsibilities of the security section.

(b) A rule of the security section must be approved by the superintendent before the rule is finally adopted under IC 4-22-2-29.

Sec. 13. The superintendent shall appoint a chief officer of the security section to organize and administer the security section. The chief officer serves at the pleasure of the superintendent.

Sec. 14. All employees of the security section, including security section officers, shall be appointed by the superintendent with the approval of the board.

SECTION 12. IC 10-1-1.9-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 3. "Eligible employee" means any regular police employee of the department. **The term does not include a pre-2003 officer (as defined in IC 10-1-1-2).**

SECTION 13. IC 10-1-2.6-0.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: **Sec. 0.5. This chapter does not apply to a pre-2003 officer (as defined in IC 10-1-1-2).**

SECTION 14. IC 4-20.5-6-6 IS REPEALED [EFFECTIVE JULY 1, 2002].

SECTION 15. [EFFECTIVE JULY 1, 2002] (a) **After June 30, 2002, a reference to the powers, duties, or functions of security officers of the Indiana department of administration in any statute**

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or rule shall be treated as a reference to the:

(1) security section of the state police department established by IC 10-1-1.6-7, as added by this act; or

(2) security section's officers.

(b) A rule of the Indiana department of administration adopted under IC 4-20.5-6-7 and filed with the secretary of state before July 1, 2002, that relates to the powers, duties, or functions of a security officer of the Indiana department of administration shall be treated after June 30, 2002, as though it has been adopted by the security section of the state police department established by IC 10-1-1.6-7, as added by this act.

(c) A rulemaking proceeding begun by the Indiana department of administration under IC 4-20.5-6-7 before July 1, 2002, shall be treated after June 30, 2002, as a rulemaking proceeding of the security section of the state police department.

(d) This SECTION expires July 1, 2005.

SECTION 16. [EFFECTIVE JULY 1, 2002] (a) As used in this SECTION, "department" refers to the Indiana department of administration created by IC 4-13-1-2.

(b) As used in this SECTION, "security section" refers to the security section of the state police department established by IC 10-1-1.6-7, as added by this act.

(c) As used in this SECTION, "security officer activity" refers to all activities of the department that relate to the department's security officers under IC 4.

(d) The security officer activity of the department is abolished and all powers, duties, and functions adhering to the security officer activity of the department or the commissioner of the department are transferred to the security section.

(e) The property and records of the security officer activity of the department are transferred to the security section.

(f) This SECTION expires July 2, 2002.

SECTION 17. [EFFECTIVE JULY 1, 2002] (a) As used in this SECTION, "department" refers to the Indiana department of administration created by IC 4-13-1-2.

(b) As used in this SECTION, "security section" refers to the security section of the state police department established by IC 10-1-1.6-7, as added by this act.

(c) As used in this SECTION, "security officer activity" refers to all activities of the department that relate to the department's security officers under IC 4.

(d) As used in this SECTION, "police employee" has the

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1 meaning set forth in IC 10-1-1-2.

2 (e) The employees of the security section of the state police
3 department under IC 10-1-1.6, as added by this act, shall initially
4 be composed of the employees of the department who are employed
5 on June 30, 2002, by the department as part of its security officer
6 activity.

7 (f) Except as provided in subsection (g), an employee of the
8 department who transfers to the security section under subsection
9 (e) on July 1, 2002:

10 (1) is entitled to have the employee's service under the
11 department before July 1, 2002, included for purposes of
12 computing all applicable employment rights and benefits with
13 the security section;

14 (2) retains any rights or benefits acquired in the employee's
15 position with the department; and

16 (3) is a member of the state retirement fund or pension plan
17 in which the employee was a member on June 30, 2002.

18 (g) An employee of the department who:

19 (1) transfers to the security section under subsection (e); and

20 (2) becomes a state police officer after fulfilling the law
21 enforcement training requirements and all other
22 requirements of the state police department;

23 is not entitled to have the employee's service under the department
24 or the security section included for purposes of computing all
25 applicable employment rights and benefits as a state police officer.

26 (h) This subsection does not apply to an employee described in
27 subsection (g). The salary of an employee of the department who
28 transfers to the security section under subsection (e) shall not be
29 reduced below what the employee's salary was on June 30, 2002.

30 (i) This subsection does not apply to an employee described in
31 subsection (g). An employee of the department on June 30, 2002,
32 who transfers to the security section under subsection (e), shall not
33 have the employee's rank reduced below the rank the employee
34 held June 30, 2002.

35 (j) All leases and obligations entered into by the department
36 related to the activities of the department's security officers under
37 IC 4 before July 1, 2002, that are legal and valid before July 1,
38 2002, are legal and valid after June 30, 2002.

39 SECTION 18. [EFFECTIVE JULY 1, 2002] (a) As used in this
40 SECTION, "security officer activity" refers to all activities of the
41 Indiana department of administration that relate to the
42 department's security officers under IC 4.



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(b) Any appropriations made to the Indiana department of administration for security officer activity are transferred to the security section of the state police department established by IC 10-1-1.6-7, as added by this act.

(c) This SECTION expires July 1, 2003.

SECTION 19. [EFFECTIVE JULY 1, 2002] (a) As used in this SECTION, "officer" means a person who is:

(1) a security officer with the Indiana department of administration before July 1, 2002; and

(2) a security section officer with the security section of the state police department after June 30, 2002;

under the provisions of this act.

(b) After June 30, 2002, an officer retains any unused vacation days accrued before July 1, 2002, under the employee's service with the Indiana department of administration.

(c) Except as provided in subsection (d), after June 30, 2002, an officer shall use accrued but unused vacation days in accordance with state police department policies.

(d) An officer may not be required to use unused vacation days the officer accrued before July 1, 2002, at a time before the officer consents to use the vacation days.

(e) This act does not affect the legality of an enforcement action, including an arrest, performed by an officer before July 1, 2002.

(f) An officer disciplined before July 1, 2002, shall be disciplined according to the disciplinary procedures and policies of the Indiana department of administration.

SECTION 20. [EFFECTIVE UPON PASSAGE] (a) As used in this SECTION, "officer" means a person who is:

(1) a security officer with the Indiana department of administration on June 30, 2002; and

(2) a security section officer with the security section of the state police department after June 30, 2002;

under the provisions of this act.

(b) The superintendent of the state police department shall make available to an officer the law enforcement training:

(1) required by the superintendent; and

(2) at a time that enables the officer to complete the training not later than July 1, 2003.

(c) This SECTION expires July 2, 2003.

SECTION 21. [EFFECTIVE JULY 1, 2002] (a) As used in this SECTION, "security officer activity" refers to all activities of the Indiana department of administration that relate to the

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1 department's security officers under IC 4.

2 (b) If necessary, the legislative council shall appoint an interim
3 committee to prepare legislation for introduction in the 2003
4 regular session of the general assembly to do the following:

5 (1) Change any references in a statute from the security
6 officer activity of the Indiana department of administration
7 to the security section of the state police department
8 established by IC 10-1-1.6-7, as added by this act.

9 (2) Change any statute as appropriate to implement this act.

10 (c) This SECTION expires July 1, 2004.

11 SECTION 22. [EFFECTIVE UPON PASSAGE] The budget
12 agency may expend funds to implement this act.

13 SECTION 23. An emergency is declared for this act.

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